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REMARKS

Applicant would like to thank the Examiner for the detailed remarks. Claims 1, 2, 4, 5, 7, 8, 11-13, 15, 17, 18, and 20 have been amended. New claims 21 and 22 are presented. Accordingly, claims 1-22 are pending in the application.

The Examiner objected to the drawings on the basis that the smaller play area within the first in claim 12 and the steps recited in method claims 13-20 are not shown in the figures. Respectfully, the smaller playing area within the first is shown in Figure 5 of the application. For example, the first area would be the entire perimeter of the grid 20 and the smaller area within the first would be the grid 88 (see specification page 8, lines 16-24). Regarding method claims 13-20, new Figure 2a is incorporated into the application and indicates a flowchart of the method steps. Applicant therefore respectfully submits that the drawings are in condition for allowance.

Claims 1, 2-7, and 11-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Elum. Independent claims 1 and 13 recite a "diagramless grid of blank answer spaces." For example, and as discussed in the application, diagramless puzzles refer to certain types of word puzzle grids. For instance, a diagramless puzzle would not include the black spacer squares shown in the Elum reference between the answer spaces. For this reason, Applicant respectfully requests that the rejection be withdrawn.

Independent claim 1 also recites a reference mark "relating a location of the first space in the diagramless grid of blank answer spaces to a location of the second space in the diagramless grid of blank answer spaces." In the Elum reference, the numbers and the black spacer squares indicate the locations of the answer spaces. The color/shading only appear to indicate the type of letter from the alphabet that is to be entered into the square (see keys "H" and "H " of Figure 1), and does not appear to have any connection to the locations of the answers in the grid. Therefore, even though certain symmetrically located squares may have the same color, this appears to be a random coincidence because not all symmetrically located squares have the same color. For this additional reason, Applicant respectfully requests that the rejection of independent claim 1 and its dependent claims be withdrawn.

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Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Elum in view of Ferguson. As discussed above, base claim 1 includes features that are not found in Elum. The Examiner relies on the Ferguson reference for the use of symmetric coordinates. Therefore, the Elum reference does not resolve the missing limitations. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 2, and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over LiDonnici in view of Elum. The Examiner admits that the LiDonnici reference does not specifically disclose a reference mark relating a first space to a second space. The Examiner argues that it would have been obvious to incorporate the reference mark of Elum into LiDonnici to relate the first space to the second space and that by having the reference mark, one of ordinary skill in the art would provide clues by indicating that the letter to be placed in that square is to be selected from a particular subset of the alphabet.

Respectfully, the Elum reference does not appear to disclose a reference mark relating a location of a first space for a first answer to a location of a second space for a second answer in a diagramless grid. As discussed above, the color/shading of the squares of Elum merely indicates the type of letter from the alphabet that is to be entered into that particular square. Therefore, even though some symmetrically located squares may have the same color/shading, other symmetrically located squares have different colors/shading (numbered square 10 has a different color than symmetrically located numbered square 55 in the grid). Therefore, the color/shading is independent of grid location and cannot be used to relate grid locations. For this reason, Applicant respectfully requests that the rejection be withdrawn.

Claims 3-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over LiDonnici in view of Elum and further in view of Harris. As discussed above, Applicant does not agree with the combination of LiDonnici and Elum. For at the reason discussed above, Applicant respectfully requests that the rejection be withdrawn.

Additionally, the rejection does not establish *prima facie* obviousness. Rejections based on obviousness grounds cannot be sustained by mere conclusory statements. There must be some articulated reasoning with some rational unperpinning to support a conclusion of obviousness. *KSR International Co. v. Teleflex Inc.* __ U.S. __, 127 S.Ct. 1727, 82 U.S.P.Q.2d 1385 (2007). In

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the present rejection, the Examiner argues that by having the symmetric pattern of Harris, one of ordinary skill in the art would provide players with consistent board of clues to correctly solve the given puzzle. However, the Examiner interpreted the color/shading of Elum as the claimed reference mark. The rejection does not provide any explanation of how the symmetry of Harris would be combined with Elum, such as how the symmetry of Harris would be applied to the color/shading of Elum without destroying the function of the color/shading to accurately indicate the type of letter from the alphabet.

Additionally, the claimed arrangement amounts to more than a simple substitution of known features according to their known functions. In a diagramless grid, there may be considerable difficulty in determining grid locations for the answers because there are no numbered squares indicating answer locations and few or no pre-existing spacer squares between answers. The claimed arrangement utilizes a reference mark to relate a location of a first space in the diagramless grid to a location of a second space, to thereby make it easier for a user to identify the answer locations. The Harris reference is not a diagramless grid. The purpose of the patterns in Harris appears to be only to space apart the answer squares. Thus, the use of the claimed reference mark to relate locations in a diagramless grid would not have been predictable given the known function in Harris of merely spacing apart the answer squares.

Claims 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over LiDonnici in view of Elum and further in view of Harris and Hoyles. As discussed above, Applicant disagrees with the combination of LiDonnici and Elum. For at least the reason discussed above, Applicant respectfully requests that the rejection be withdrawn.

New claims 21-22 are also presented and recite additional features that Applicant believes are neither disclosed nor suggested by the cited references. Claim 21 recites that the diagramless grid "is free of any pre-indicated spacer squares between the blank answer spaces." New claim 22 recites that "the reference mark is in a background relative to the diagramless grid."


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Fees in the amount of \$50.00 for two additional dependent claims may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge the same Deposit Account for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on June 27, 2008.


Laura Combs